



# NATIONAL LABOR RELATIONS BOARD

OFFICE OF THE GENERAL COUNSEL

WASHINGTON, D.C. 20570

**FOR IMMEDIATE RELEASE**  
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## **FEDERAL COURT IN INDIANAPOLIS, IND. GRANTS NLRB PETITION FOR INJUNCTION AGAINST EBY-BROWN CO.**

The National Labor Relations Board's office in Indianapolis, Indiana (Region 25) has obtained a temporary injunction from the federal district court in Indianapolis ordering Eby-Brown Company to resume recognition and bargaining with Teamsters Local 135.

The company is a wholesale seller and distributor of tobacco and sundry goods to convenience stores. For over 25 years the union has been the recognized representative of employees at the Indianapolis facility in a unit that includes delivery men, warehousemen, janitors, and maintenance employees.

Chief United States Magistrate Judge John Paul Godich's injunction was issued pursuant to Section 10(j) of the National Labor Relations Act, which authorizes federal district courts to grant temporary injunctive relief to maintain or restore the lawful status quo pending the Board's adjudication of alleged unfair labor practices.

Commenting on the case, General Counsel Fred Feinstein said: "The judge's order serves to stabilize the parties' collective bargaining relationship and provide a potential place for restoration of the transferred work--should the Board so order--since future decisions to transfer work and the effects of such decisions must be bargained with the union."

Judge Godich approved the parties' consent decree and ordered Eby-Brown to restore the collective-bargaining relationship with the union that Eby-Brown had terminated in August 1993, and to recognize and bargain with the union as the Section 9(a) representative of the employees at the Indianapolis facility. The judge's order specifically provided that Eby-Brown must bargain over any decision to transfer bargaining unit work from the Indianapolis facility and over the effects of such decision on the bargaining unit. In the underlying Board proceeding, Eby-Brown was alleged, among other things, to have unlawfully transferred work performed by the Indianapolis unit to its facility in Springfield, Ohio. The region is seeking restoration of that work to the Indianapolis facility.

The judge's order also restores the union's contractual right of access to the Indianapolis facility and its employees at the facility.

In other significant aspects of the consent decree, the company is also enjoined and restrained from and ordered to cease and desist from: threatening employees with discipline, arrest, job loss or reduced benefits because of their union activities and support; interrogating employees regarding their own or others' union sympathies, or surveilling or implying that employees' union activities are under surveillance; disciplining, granting reduced bonuses or job evaluations, or otherwise discriminating against employees to encourage or discourage union activities; and withdrawing recognition from the union or in any other manner failing or refusing to recognize or bargain with the union as the exclusive collective bargaining representative of the Indianapolis unit; and, in any other manner, interfering with, restraining or coercing its employees in the exercise of their rights under the Act.

The five-member National Labor Relations Board, acting upon the recommendation of NLRB General Counsel Fred Feinstein, authorized Regional Director Saundria Bordone to seek the injunction, which was filed on November 10, 1994. This followed the region's extensive investigation into alleged unfair labor practices and the issuance of a series of complaints, the last of which issued June 3, 1994, which brought these allegations before the Board for decision. The injunction remains in effect until the Board makes a final decision on the unfair labor practices, which were the subject of an administrative trial before NLRB Administrative Law Judge Nancy M. Sherman.

General Counsel Feinstein praised the efforts of Field Attorney Richard J. Simon, who prosecuted the injunction case, and was the lead attorney at the administrative trial, Field Attorney Joanne C. Mages, Regional Attorney Rik Lineback and Director Bordone.

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